

REMARKS

The Applicants respectfully request reconsideration in view of the following remarks and amendments. Claims 28-30 have been amended. Claims 1-15 were previously cancelled. Claims 16-27 were previously withdrawn withdrawn. Claim 31 has been added. Accordingly, claims 28-31 are pending in the Application.

I. Claim Rejections – 35 U.S.C. §103

Claim 29 is rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,693,446 issued to Orlosky *et al.* (“Orlosky”) in view of Japanese Patent No. 58-224724 issued to Kitahara (“Kitahara”).

To determine obviousness of a claim: (1) factual findings must be made under the factors set forth in Graham v. John Deere Co., 383 U.S. 1, 148 USPQ 459 (1966); and (2) the analysis supporting the rejection under 35 U.S.C. § 103 should be made explicit and there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. See MPEP §§ 2141(II), 2141(III), and 2142; KSR International Co. v. Teleflex Inc., 82 USPQ2d 1385, 1396; see e.g., MPEP § 2143 (providing a number of rationales which are consistent with the proper “functional approach” to the determination of obviousness as laid down in Graham).

In regards to claim 29, this claim has been amended to recite “sealing portions in the vicinity of the lens molding surface side circumferential edge of said one mold onto the taper surface with a leakage monomer throughout the entire circumference thereof by stably gathering the leakage monomer in a gap formed between the taper surface and the lens molding surface side circumferential edge of said one mold.” These amendments are supported, for example, by page 54, lines 5-22 of the Specification as filed. The Applicants respectfully submit that the combination of Orlosky and Kitahara fails to teach or suggest these elements of amended claim 1.

In rejecting claim 29, the Examiner acknowledges that Orlosky fails to disclose “when the mold is held, the tapered surface comes into strongest contact with the lens molding surface side circumferential edge of the mold.” See Office Action, page 3, lines 8-10. Instead, the Examiner relies on Kitahara to allegedly cure the deficiencies of Orlosky. However, even assuming

arguendo that Kitahara discloses “when the mold is held, the tapered surface comes into strongest contact with the lens molding surface side circumferential edge of the mold,” Kitahara fails to disclose “sealing portions in the vicinity of the lens molding surface side circumferential edge of said one mold onto the taper surface with a leakage monomer throughout the entire circumference thereof by stably gathering the leakage monomer in a gap formed between the taper surface and the lens molding surface side circumferential edge of said one mold” as recited in amended claim 29. By sealing portions in the vicinity of the lens in this fashion, the method for manufacturing a spectacle plastic lens as recited in amended claim 29 provides a stronger seal between plastic lens components without incurring bubble defects in the lens. By failing to disclose these elements, the combination of Orlosky and Kitahara fails teach or suggest each element of amended claim 29 and cannot maintain a rejection under 35 U.S.C. § 103. Accordingly, the Applicants respectfully request reconsideration and withdrawal of the rejection of claim 29 on this basis.

II. Claim Objection

Claims 28 and 30 are objected to for informalities. Specifically, the Examiner suggests amending claims 28 and 30 to replace “more largely” with “more” and to replace “by virtue of the fact that” with “while” in order to improve the clarity of the claims. In response, the Applicants have amended the claims as suggested by the Examiner. The Examiner noted that claims 28 and 30 would be allowable if amended to overcome these objections. In view of the above amendments, the Applicants respectfully request that the objections to claims 28 and 30 be withdrawn and these claims be allowed at the Examiner’s earliest convenience.

III. New Claim

The Applicants submit for consideration new claim 31. This claim depends from claim 29 and incorporates the limitations thereof. For at least the reasons discussed above in relation to claim 29, the combination of Orlosky and Kitahara fails teach or suggest each element of new claim 31 and cannot maintain a rejection under 35 U.S.C. § 103. Accordingly, the Applicants respectfully request allowance of claim 31 at the Examiner’s earliest convenience.

CONCLUSION

In view of the foregoing, it is believed that all claims now pending, are now in condition for allowance and such action is earnestly solicited at the earliest possible date. If there are any additional fees due in connection with the filing of this response, please charge those fees to our Deposit Account No. 02-2666. Questions regarding this matter should be directed to the undersigned at (310) 207-3800.

PETITION FOR EXTENSION OF TIME

Per 37 C.F.R. 1.136(a) and in connection with the Office Action mailed on December 9, 2009, Applicants respectfully petition Commissioner for a one (1) month extension of time, extending the period for response to April 9, 2010. The amount of \$130.00 to cover the petition filing fee for a 37 C.F.R. 1.17(a)(1) large entity will be charged to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR, & ZAFMAN LLP

Dated: _____

4/8/2010

By: _____

Eric S. Hyman, Reg. No. 30,139

1279 Oakmead Parkway
Sunnyvale, CA 94085-4040
Telephone (408) 720-8300
Facsimile (408) 720-8383

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being submitted electronically via EFS Web to the United States Patent and Trademark Office on the date noted below.

Jessica M. Huester

Date

Jessica M. Huester 2010-04-09